MEMORIAL

OF THE

BOARD OF MANAGERS

OF THE

PENNSYLVANIA STATE TEMPERANCE SOCIETY,

TO THE

CONVENTION

FOR REVISING

THE CONSTITUTION

OF THE

STATE OF PENNSYLVANIA.

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1837.

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The Board of Managers of the State Temperance Society beg leave to lay before the Convention the following representations, viz:

We approach the Convention assembled to revise the Constitution of the Commonwealth, with feelings of profound regard. It is not, by any means, our purpose to dwell on the important duties which come before the Convention. In the patriotism and wisdom of the men who have been elected by the people of this state, we have the utmost confidence, and in common with our fellow citizens, we look to you for a Constitution, that shall be adapted to serve the great ends of government; to advance the public prosperity, and to defend and secure the ends of justice, and the observance of order and the laws. While we would be far from any wish to attempt to dictate to the Convention in regard to any feature in the new Constitution which is to be proposed to the Commonwealth, yet as citizens of the state, and as the managers of a society that contemplates the promotion of public virtue and happiness, we beg leave to lay before your honourable body one subject, which we feel must deeply enter into and effect all the great interests which the Convention has in view. We cannot for a moment doubt that the Convention will look with favourable regard on all that shall tend to promote the public virtue and happiness; on all that shall secure the prevalence of good order, and sober, and virtuous industry; on all that shall tend to secure the speedy and equitable administration of justice; on all that shall tend to prevent pauperism and crime; on all that shall diminish taxation; and on all that shall promote a disposition, and furnish abilities among the citizens of this Commonwealth, to extend the blessings of education. Nor can we doubt that it will meet the desires, and enter into the wishes of the Convention, though it may not make a part of the statuatory provisions of the constitution, to direct their labours so as best to promote domestic virtue, tranquility, and order; and so as to cultivate the refined and tender sympathies of kindred, and the virtues of the fire-side, and so as to be connected with the prevalence of pure religion. Nor do we doubt that the cause of the fatherless and the widow, the poor and the oppressed, the ignorant and the tempted, will command the regard of the Convention in their efforts to form a constitution that shall secure the rights and

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advance the prosperity of generations to come. Believing as we do, that the cause in which we are embarked, is one that is vitally connected with all these great interests, and that, probably more than any thing else, it enters with vital and controlling power into them all, we have ventured to ask of the Convention the privilege of laying before them this our memorial.

The subject to which we beg leave to ask your attention is that of the laws of this state respecting the licensing of houses for the retail of ardent spirits; and we desire respectfully to suggest some reasons to your honourable body which have led our minds to the conviction, that it would be desirable that a provision should be introduced into the new constitution which would prohibit hereafter such licenses throughout the Commonwealth.

The existing laws in this state on the subject, are in the following words.

"No person shall be licensed by any court of Quarter Sessions, or Mayor's court, within this commonwealth to keep an inn or tavern, unless recommended by at least twelve reputable citizens of the ward, borough, or township in which the said inn is proposed to be kept, who shall certify that the person so recommended, is of good repute for honesty and temperance, *and is well provided with house room, and conveniences for the lodging and accommodation of strangers and travellers.*

"It shall be the duty of the said courts, and it is hereby enjoined upon them, to license no more inns or taverns within their respective jurisdictions than shall in their opinion *be necessary to accommodate the public, and entertain strangers and travellers.*"*

Of the form and structure of the law, on the supposition that laws of this description are proper, we do not know that there is any reason to complain. Similar statutes, so far as we know, occur in all, or in nearly all the States of the Union. We do not complain that the statute is not carefully guarded in its phraseology; we do not complain that the framers of the law were not anxious to secure it from abuse; nor do we complain that it does not make ample provisions, so far as can perhaps be made, to secure the end which the framers of the law had in view. The statute evidently contemplates a *restriction* on the amount of ardent spirits which should be consumed in the State; and looks with a careful eye to the comfort and convenience of the Traveller.

To these statutes on the subject of the sale of ardent spirits, the following was added in the license of the Legislature in permitting the Oyster Cellars in the city of Philadelphia also to retail ardent spirits.

"From and immediately after the passage of this act, it shall and may be lawful for the Mayor's Court of the City of Philadelphia, and the Court of Quarter Sessions of Philadelphia County, to license persons who are keepers of Oyster Cellars, within the said City or Coun-

* Purdon's Digest of the laws of Pennsylvania, 576.

ty, to sell spirituous and other liquors by less measure than a quart, &c. *provided* that they actually sell oysters, roasted, fried, stewed or in the shell, in the Cellars of which they are the keepers." Pamphlet Laws of 1831—2, page 73. (Law passed 15th of February, 1832.)

In the session of 1833—4 a law was passed prohibiting the sale of ardent spirits in Theatres in Philadelphia, in the following words:

"The Courts aforesaid, (the Mayor's Court and Quarter Sessions,) shall not have power to grant licenses to owners or managers of any theatre or circus, to sell within the same any vinous or spirituous liquors as aforesaid, nor shall any house be licensed as a tavern which has a passage communication with a theatre." Pamphlet Laws of 1833—4, p. 119. (Law passed 11th day of March, 1834.)

These statutes, we believe, comprise the whole of the existing laws in the State, on the subject of the retail of ardent spirits.

An important change, we believe, has taken place in the public mind in regard to this subject; and we appear before you to ask simply that the laws in the State may be made to correspond with what we judge to be the present state of public opinion. It is evident on the first perusal of these statutes that there is much that is peculiar in them; and much that seems to be a departure from the proper business of Legislation. We shall endeavor to show, what is indeed apparent now, and admitted on all hands, that the use of ardent spirits is the fruitful cause of nearly all the crime and pauperism in the land; and that it has been pronounced by the highest medical authority to be poisonous to the human frame. It will then be asked at once, why did the framers of the law thus authorize its sale? Why is the sanction of the State given to this traffic? Why did legislation say that this article, which is now deemed poisonous and destructive to the best interests of men, might be sold, and why is the broad shield of the authority of the commonwealth thrown over a business which has been connected in its result so directly with poverty, and want, and crime? It will aid us to understand the subject which we wish to present, to state the reasons which have influenced those who have framed the existing laws to grant a license to this traffic.

We do not blame; we cast no reflection on the framers of the laws in this State, or in any other States of the Union, on this subject.—We believe that they were influenced by the purest motives, and by a real desire to promote the public prosperity and morals, and to *prevent* the evils which experience, in our view, has only shewn to result from the legislation on the subject. The following were probably the main reasons which, in other times, led to the statutes which now exist on the subject in this, and in the other states of the Union.

1. The use of ardent spirits was judged, and was universally believed to be *needful* for the comfort of the traveller. It was in common use throughout the land; and was believed to be necessary to give vigor to the laboring man; to give refreshment when he was fatigued; to rouse his spirits when despondent, and to prevent the evils of exposure to cold and heat, to peril, and to storms. It was

also esteemed to be an appropriate evidence of hospitality, and was thus connected with its sacred rites; and was almost universally regarded as an appropriate pledge of friendship. It was in use on the farm, and in the shop of the mechanic; it was employed by professional men in their various callings; it was used in the greetings of hospitality and friendship; and was copiously used in fatigue, and exposure, and sickness. There were few houses in the land where it was not deemed an essential article in the domestic arrangements; and there were few, very few who were not either habitual drinkers, or who did not partake of it on festive occasions, or in times of unusual exposure and fatigue. While this was the prevalent belief, the laws on the subject were enacted. It was deemed a matter of course that in houses designed for the traveller weary and exhausted, and exposed often to storms and cold and heat, that he should be furnished with all that his own house would be presumed to afford in such times; and hence the laws authorizing the retail of ardent spirits were in accordance with the universally cherished opinions and habits of the community.

2. A second idea which we suppose to have contributed to the enactment of the laws admitting the licensing of houses for the retail of ardent spirits was the conviction that the indiscriminate and promiscuous permission to all to engage in it would not be safe. Though the use of ardent spirits was regarded as necessary, and to a certain extent and within certain limits safe and proper, yet it could not be unknown that it was attended with danger. Even before the recent investigations on the subject, and before the evils had been accurately guaged, it was known to be the fruitful source of crime, and pauperism, and sorrows. To allow *all* to sell was, therefore, in the view of the legislators of the land deemed unwise. It was judged necessary to restrict the sale within comparatively narrow limits; and to entrust it to hands, where it was believed the sale might be safely deposited. Instead, therefore, of leaving this as the other occupations of life were left to the choice and voluntary preference of man; instead of allowing the business, like agriculture and the mechanic arts, to regulate itself without the protection or prohibition of the law, it was deemed wise that it should be entrusted only to those in whom the commonwealth had reason to confide. It was therefore required that in every instance of application for permission to retail ardent spirit, the person so applying should be "recommended by at least twelve respectable citizens of the ward, borough, or township in which the said Inn is proposed to be kept, who shall certify that the person so recommended *is of good repute for honesty and temperance*," &c. By this provision it was adjudged that there would be the best possible security that the traffic should not pass into improper hands to be abused. It may be remarked here by the way, what we shall endeavor to shew more at length, that the very idea here implied in the law supposes that the traffic was not in itself safe; and that unusual caution was necessary in order to prevent the well known and obvious evils which would spring from the indiscriminate permission to engage

in it. The very law, wise and well-meant as were the intentions of the framers, contains a reflection on itself, since no law is necessary to regulate that occupation which is in itself safe and right.

3. A third idea which led to the laws granting license for the sale of ardent spirits, was evidently that of increasing the revenue of the commonwealth. Though we cannot believe that this was a main or leading thought in the enactment of the law; though we cannot suppose that the miserable pittance which the State would receive from this quarter could be regarded as a *compensation* in any sense for the evils which must inevitably grow out of the sale of ardent spirits, yet we suppose that it was felt to be proper that no class of citizens engaged in business should be free from sharing their part of the burdens of supporting the government, and the expenses of the State. And as those who were engaged in tavern keeping, in a business in which their property was chiefly invested, would otherwise escape from taxation almost entirely, it was deemed proper to meet them in the *commencement* of their business, and as often as their license should be renewed, and require them to contribute a portion of their anticipated profits for the support of the government. The *principle*, we apprehend, therefore, on which licenses are granted by paying a compensation, was not that the State designed to raise a revenue by the multiplication of pauperism and crime, but that every citizen was bound to sustain a fair proportion of the expenses of the government. Though, therefore, we shall endeavor to shew that the object has failed; that the pittance received by the State is NO compensation or equivalent for the great and acknowledged evils of the traffic, yet we do not design to impeach the motives of our fathers, and our fellow citizens throughout the land. We do not doubt that the provisions of this law arose from the idea that the expenses of sustaining the government should be equitably distributed among the citizens of the commonwealth; and arose from the fact that in this business where a capital was employed at a vast profit, there could be no other way of taxing the capital but by laying a tax on the permission to engage in the employment.

We doubt not, therefore, that in the various steps which have led to the enactment of this law, and in the various considerations which have led to it, there was purity of intention. But if it shall be found that the laws were based on improper apprehensions in regard to the use of ardent spirits; if it shall be found that the law has failed in regard to the security of public morals, and in preventing the abuse of this traffic; if it shall be found that the amount received into the treasury for tavern licenses bears no proportion to the costs to which the traffic leads in the expenses of courts, in the support of the poor, and in destroying industry, and is thus the means of withholding from the treasury many times the amount which the tavern license secures; and if it be found that the license operates directly to the promotion of the use of ardent spirits, and to the commission of crimes, then it will follow that experience the best test of law has decided against them; and that the time has come when there

should be incorporated into our constitution a provision that hereafter no such license shall be granted.

In order to present the reasons which have influenced our minds to come to this conviction, we beg leave to lay before the Convention some of the considerations which have convinced us that the time has come when the laws on this subject should be permanently changed.

We beg leave then to observe, that in the minds of the great mass of our fellow citizens, including as we have reason to hope, a majority of the citizens of this State, a great change has occurred in regard to the use of ardent spirits. The conviction we believe, has become deeply settled in the public mind, that their need is less when men wish to make the most of their powers; that it is not necessary for the utmost vigor of the human frame in sustaining heat and cold, and fatigue and labor; that it is injurious to the health of the body and the vigor of the mind; that in all instances it tends to weaken rather than to invigorate the faculties of man; that it is the fruitful fountain of crimes and woes, and pauperism and tears; and that it is *poisonous* to man. These convictions have been arrived at after long and patient investigation. The causes and effects of intemperance, have been carefully looked at in all the States of the Union. The records of the courts of justice have been referred to; and the testimony of the keepers of our prisons and alms-houses has been taken. The sentiments of physicians have been taken and recorded; and the sense of the community in a great variety of forms has been taken on the subject. Some of the results on this subject we beg leave now to refer to. It has been ascertained that more than 30,000 die annually by the direct effects of intemperance; and that the various diseases to which men are subject are greatly aggravated, and in many instances made fatal by the habit of indulging in intoxicating drinks. It is ascertained by the united testimony of a great number of the keepers of alms-houses, that nine tenths of all the inmates are brought there either directly or indirectly by intemperance. It is ascertained that not less than nine tenths of all the annual prosecutions in the nation arise from intemperance; and that consequently nine tenths of all the costs of prosecution, and of prisons, and the various expenses attending the distribution of justice arises from this cause. It has been estimated* that the annual expense to this nation arising from intemperance cannot be less that one hundred million dollars. It has been decided with entire unanimity by the physicians of the nation, that ardent spirits is POISON—that it operates on the human system in the same way as any other poison; that it is not needful to the permanent vigor of the human frame, but that its use as a beverage is always injurious. Acting on these, and other representations, a large number of the most intelligent and virtuous, of our fellow citizens, including the farmers, mechanics, and professional men have abandoned the use entirely; and have not only done it without inconvenience, but

* By Judge Cranch of Washington.

with great advantage to their bodily and mental vigor, and to their happiness and prosperity. They have ascertained that they can accomplish more labor, and endure more fatigue, and resist greater exposures without its use than they can with it, and the experiment has been made in a manner that has been deemed satisfactory to all who have attended to it. It has been made on the farm, and in the workshop; it has been made in the cold of winter, and in the heat and hurry of harvest. It has been made by seamen, called to encounter the storms, and in the cold of the ocean—and with the same result. It has been made in our prisons and workshops, when the object has been to ascertain how much the human powers can be made to accomplish—and with the same result. It has been made by professional men in every calling, and with the same result in regard to the influence of temperance on the body and mind. So satisfactory have their experiments been made; and so deep-felt have been the acknowledged evils of the use of ardent spirits, that not less than 500,000 of our countrymen have resolved to abstain from the use, and have in a public manner pledged themselves to such abstinence. With these, and a multitude of similar facts before us, in regard to the nature and tendency of the use of ardent spirits, our own minds have been led to the conclusion that the view on which the law for licensing taverns was enacted *that the use of ardent spirits was necessary for the traveller*, was, and is, an erroneous view; and that consequently the law which is the result of that view, should be abandoned and repealed. This to our minds is plain. If it be true that the views which led to the enactment of the law were erroneous; if, in the judgment of those best qualified to judge, and of the great mass of the people of the land, such views were not well founded; if the *reasons* which led to the statutes on the subject have not an existence, then not only policy, but justice, and a regard to the good of the people require that such a law should no longer appear on the statute books of the State.

We beg leave further to suggest to the Convention that in our apprehension, notwithstanding the caution and care with which the laws on the subject have been framed, in this State, and in other States, that the law has failed in regard to the character and qualifications of those who are licensed to retail ardent spirits. The *design* of the law, if the views which we have stated are correct, was, to entrust the sale of a dangerous article to those who were fit by their moral character and standing, to be entrusted with that which was so closely connected with the moral character of the people. In other words, while the State entrusts the business of agriculture and the mechanic arts to those who *choose* to engage in them without any license, it seeks that those to whom should be confided the business of selling ardent spirits should be among the most moral and trust-worthy persons in the commonwealth. And as the law, in most of the States requires that no one should be allowed to practice medicine—should not be entrusted with the power which physicians *must* have over the lives of the citizens without ample evidence that they are *qualified* to

be entrusted with it, so the law requires an appropriate qualification in those who are permitted to retail ardent spirits. But in this whole design, we apprehend, the law has failed. We do not intend to bring a railing accusation against any class of our fellow citizens; but we may be permitted to appeal to the observation of the members of the Convention, and of our fellow citizens generally, whether tavern keepers are usually among the most moral and trust-worthy of our citizens; whether they are men usually to whom the commonwealth *ought* to confide a dangerous power over the lives and property and moral character of our citizens; whether they are suitable persons to regulate the disposition of a poison which may, and does affect the welfare of the community at large; and whether their moral character be usually such as to give them a claim to eminence, and as deserving of the responsible prerogative of guarding the morals of the community. Our observation has been erroneous and imperfect, if, in general, they are not among the last persons in the community to whom this dangerous power should be entrusted.

The plan has failed, also, we apprehend, *and from the very fact of being allowed to retail ardent spirits*, in the design for which a tavern is established, and contemplated in the law—the furnishing of suitable accommodations for travellers, and for strangers. On this subject the law is explicit. Rooms, and furniture, and suitable out-houses and stables, are evidently contemplated in the law.—And yet, it is evident, that when a man *pays* a yearly tax for the privilege of selling ardent spirits, this will come to be, in his view, the main design of his business, and that he will look mainly to this for his profits. His house will be so arranged as to make it a most convenient and acceptable dram-shop; and when there is a rivalship between two or more inns in the same place, the superiority contemplated and sought after will be in the quality and quantity of liquors that may be sold. The accommodations required by law for travellers and strangers will be overlooked or disregarded, and it will occur in spite of the law that numerous places will be licensed which have not the *slightest* accommodation for the stranger and the traveller. In illustration and proof of this, we beg leave to present to the Convention, the result of actual examination which was made of the condition of taverns in the city and Liberties of Philadelphia:

In the year 1829 the Temperance Society made a examination, from which it appeared that in the city proper with a population of 82,780 inhabitants, there were 543 houses in which ardent spirits were retailed, of which 356 had none of the accommodations contemplated by the law for "strangers and travellers." In the Northen Liberties, of 188 houses of retail, 125 had no accommodations for travellers; in Penn Township, of 86, 56 had none; in Kensington, of 115, 88 had none; in Southwark, of 307, 247 had none. In all of 1,239 houses for retailing the poison, 872 had no accommodations for strangers and travellers. The city and its suburbs was thus furnished with one house out of about every twelve, for the retail of ardent spirits. Of these houses, 38 in the city, 11 in Kensington; 55

in Southwark; 104 in all, are designated as entertaining blacks and whites of both sexes, and 32 "the lowest kind of society." It will be recollected that this state of things has occurred under the administration of laws which require that, "no person shall be licensed to keep such a house unless he be recommended by at least twelve reputable citizens—who shall certify that the person so recommended is of good repute for honesty and temperance, and is *well provided with house room and conveniences for the lodging and accommodation of strangers and travellers.*" And it will be further recollected that the law contemplates that no more inns or taverns shall be licensed than shall be "necessary to accommodate the public, and to entertain strangers and travellers." It is perhaps needless to ask here, in what respects have the provisions of this law been complied with? Did any man ever yet believe; can any man now believe that one house in twelve, or in five hundred, was necessary as a fountain of poison in Philadelphia or that the provisions of the law are met, when more than two-thirds of all the licensed taverns have no accommodations whatever for strangers and travellers?*

Whether this is a fair expression of the operation of the law throughought the State, we have not the means of determining. It is evident, however, that such, to some extent, *must* be the regular operation of the law.

Again. The law has wholly failed, we apprehend, in regard to its contemplated influence in preserving the public morals. No person conversant with the subject, and the statistics of intemperance, can doubt that it is the extensive cause of immorality. Every man must know that in regard to the great majority of public inns, they become centres of an evil influence that pervade the surrounding community; and that no small part of the scenes of disorder and vice, that prevail in a community, are connected with public taverns. In our State, they are in every city, and village, and neighborhood and hamlet. In our large cities they are in almost every street; and in many places, several are found in a single block, or square. In the country, they are almost as frequent as the mile-stones; and the influence of one is necessarily extended until it meets the influence of another. As a contemplated *guard* on public morals, the plan MUST fail. When, as we have seen, there is usually a very imperfect qualification in the licensed inn-keeper to be the conservative of public morals; when he has *paid* the State for the privilege of retailing the poison; and when, therefore, his *interest* requires that he should sell as much as possible to obtain a livelihood, and to recover in the business what he has paid to the State, it will be unavoidable but that his business should be the patron of intemperance, and *through* intemperance, the patron of vice, and ignorance, and wretchednes, and pauperism, and crime.

Again. The State contemplated, as we have seen, the raising of a revenue. And we do not deny that a sum *is* received into the treasury of the State which may appear large, and which is in itself a fear-

* Hazard's Register of Pennsylvania, vol. iii, 96. xiii. 25, 4.

ful commentary on the extent to which tavern licenses are granted in the commonwealth. During the year 1836, of $3,804,642 54 cents of revenue that was received by the Treasurer of the State, $52,547 97 cents were received from "tavern licenses." A very considerable portion of the revenue of the State is thus received from this quarter; and we are not insensible that this large sum will constitute the most formidable objection which the object which we have had in view will encounter. Yet it is formidable in appearance only; and the only question which can be reasonably asked on the subject is, whether the *real wealth of the State* is augmented or diminished by these laws; and whether, *if* there were no taverns, or retail licenses, the real wealth of the State might not be in fact increased. And on this subject there can be no doubt. The portion of the revenue which is thus received will bear no comparison with the cost of pauperism and crime, which the ardent spirits that is sold creates. Many millions of dollars in our own State would not repair the losses in the real wealth of the State, caused by intemperance. If it is the cause of nine tenths of our crimes, and consequently of that proportion of the expenses of criminal courts, and of erecting and maintaining prisons and prison discipline; if it is the cause of nine tenths of the pauperism in the State, and consequently of that proportion of the expense of building alms-houses, and sustaining the poor; if it is the cause of nine tenths of the bad debts that are contracted in the State; and if it consigns thousands and tens of thousands of those who might have been industrious and substantial citizens, to the grave annually; then it is evident that the revenue which the State receives from this quarter is a mere *pittance* compared with the amazing amount of evils which it is the occasion of introducing. It is to be remembered that those who are immersed in prisons for crimes, or supported in our alms-houses for poverty, or that are made idle and worthless by intemperance, *might* have been industrious and virtuous citisens, *but* for that vice. Can any one doubt that their industry and virtue would be of more value to the commonwealth, than the money which is received as the price of their crimes and poverty, and woes?

The force of the observations which we are making may be seen from another consideration. It is evident that the State *might* receive as large a sum from licensing gambling houses, and houses of ill-fame. And yet no virtuous citizen would look upon such a proposition but with abhorence. Yet, so far as we can see, no greater objection would be against the principle of such a licensure than against the one in question. If it would be a sufficient consideration to urge against such a law, that the paltry sum of $50,000 would be no compensation for the evils which gambling and licentiousness would introduce, why may it not be an equally valid consideration to urge that $50,000 are no compensation for the crimes, and indolence, and pauperism, and woes that are produced by this licensed traffic? The truth on the subject is this; that every dollar which is thus received into the treasury is at the expense of many dollars that are lost to the community; and that the man who is licensed, in fact pays for the privilege of reducing as

many to pauperism and the prison as he can; and for the privilege of disabling all who come under the full influence of his business from paying taxes and contributing to the support of the commonwealth. What he pays, therefore, himself, is at the loss of what others might, and would pay were they not reduced by his business to the almshouse or the prison. That is no true economy which puts one dollar into a man's pocket at the expense of ten; and we have too high an idea of the virtue of the people of this commonwealth to suppose that they will knowingly and deliberately countenance the evils of intemperance for the paltry considerations of the revenue that shall result from it.

But having thus endeavored to demonstrate that the laws which our fathers enacted on this subject arose from the prevalent view of the *nature* of the article which they licenced to be sold; that the law has failed of securing the great object of committing the sale to the most trust-worthy citizens of the commonwealth, and has failed to guard the public morals in the manner contemplated; and that the revenue which is derived from it is no compensation for the innumerable evils which result from it, we beg leave now to examine the *principle* of the law itself, and to inquire whether that *principle* should be sanctioned in the new Constitution. *The principle is, that authority may be given for the sale of ardent spirits under the sanction of the State for the purpose of increasing the revenue.*

In regard to this principle we respectfully ask the attention of the Convention to the following considerations which we urge in the form of objections. We assume only what is now conceded by all medical men, and by all who have examined the subject, and what we believe to be the settled view of the great majority of our fellow citizens, that the article in question is *needless*, for the purposes of intellectual or bodily vigor; is *poisonous* to the animal system; and is the fruitful source of the pauperism, and crimes, and wretchedness which exist in this land.

1. It is contrary to the very design of Legislation. We beg leave to ask here,—What is the purpose of laws? Is it not to protect the weak against the strong? Is it not to secure the administration of justice? Is it not to make certain the payment of debts? Is it not to afford protection to industry, to morals, to the peace and order of families? Is it not to secure the unsuspecting and the feeble, from the arts of the seducer; to defend them from being overreached, and defrauded, and ruined, by cunning and designing men? Is it not to prevent assualts and batteries, and burglary, and arson, and murder? Is it not to promote general industry and happiness, and to prevent profaneness and disorder?

Now in regard to each and all of these things, the design of legislation is defeated by these laws. For what is the effect of the sale of this poison, as it is, and must be, actually practised the world over? What is it but to give the strong an advantage over the feeble; to patronize a man who presents a powerful temptation to his neighbour, which he knows will overcome his feeble virtue? What is it but to

give the sanction of the laws to a traffic where the property of the poor is obtained for that which is not bread, and which satisfies not—which is in fact, no valuable consideration? What is it but to promote contention and strife, and lawsuits, and thus to defeat the ends of justice? What is it but to make bad debts—to indispose and incapacitate the frequenter of those places from paying the debts there contracted, and all other debts? What is it but to give the sanction of the State to an indulgence that dethrones man's reason; blots out his moral principle; make him idle, pennyless, and wretched; prostitutes his powers, and thus exposes him to all the arts of cunning and unprincipled men, and to all the danger of being overreached and defrauded? For no man who frequents such a place, is competent to make a bargain; or qualified to retain his property from the arts of the cunning and the abandoned. And what is it but to promote assaults, and strifes, and burglaries, and murders? For these crimes are usually committed in the vicinity of the places where this poison is obtained, and under the influence of that poison which is thus sold under the authority of the State. Nine-tenths of these crimes are committed under the influence of ardent spirits. How seldom is a tavern opened which is not the rallying point of all the lovers of contention, and the unprincipled, and profligate; and to whose influence cannot be traced all the strifes, and assaults, and murders of the neighbourhood, and of the community? To all this the State thus lends its sanction. For all this there can be plead the authority of the law. And when bad debts are made, and our streets are disturbed by the hoarse brawl of the drunkard; and our ears offended by obscenity and profaneness; and our alms-houses filled with wretchedness, and our prisons with guilt; and the victim of intemperance pines in the dungeon, or struggles on the gibbet: we have only to remember that all this has been done under an express law of the land. It is the straight-forward, well-understood, and universal effect of a traffic which the law allows, and which the courts authorize—the business from which the state derives a revenue; and a business for which the whole authority of the Legislature may be plead. Look at the wretched victim in the gutter, unable to pay his debts, a curse to his family, and to the world;—look at him as he reels in the streets, as he becomes the foe of every man, the loathsome centre of contention and crime; look at him in the dungeon, on the gallows, or in the loathsomeness of the drunkard's grave, lost to this life and the next; and remember that all this is by *the authority of the State.* The business which leads to this is under the patronage of the laws, and for all this the State has derived a revenue, the price of curses, and tears, and obscenity, and profaneness, and ruin. And we have here only to ask a simple question—is *this* the proper business of legislation—this the proper object of the patronage of the State?

We have already most cheerfully admitted that this was not the *design* of the framers of the law. Their purpose was different, and, as we have shown, was pure. It was to restrain an evil which they felt to be great, and a power which they felt to be dangerous. But

the effect, we apprehend, MUST, from the nature of the case be different. If it be the fruitful source of crimes, and woes in the State; if it be poisonous and ruinous to the bodies and souls of men, then to *license* it, is to license a great and well-known evil. It is to give the sanction of the State, to that which at the same time, is admittted to be an evil, and an evil so great that it ought to be restrained. It is to *allow* the sale of it as a right, and as an honorable business sanctioned by the State, for which a compensation has been paid. It is to make it the *interest* of every man who is licensed, to sell as much as he can in order that he may receive again in profit what he has paid the State for the license; and the price of the license, therefore, to him, becomes a *premium*, or an *incentive* to sell as much as he can. It is moreover, to be remembered that a business which the law sanctions and allows, will scarcely be deemed wrong. In face of all the appeals which can be urged on those engaged in the traffic; in face of all the arguments which may be urged on the community in favor of temperance, and against the manufacture and sale of the article, the consideration will be urged and *felt*, that the State allows it—that it is in accordance with the laws; nay, that the law has especially and particularly authorized it, and that therefore, it cannot be wrong. We have only to remember that a large portion of the community form their ideas of morality, from what the laws of the land allow, to see the influence of this consideration in offering all the appeals which we make in the temperance reformation.

We beg leave here to remind the Convention that an important change has been experienced in the minds of men, in regard to what constitutes proper subjects for the protection of the laws; and that all that we ask is in accordance with the advanced and now prevalent views of legislation. In illustration of this remark, we may refer to *three* subjects out of many, which like the retail of ardent spirits have received at various periods, the approbation of the laws. First, houses of ill-fame have been brought in France, under the notice of the police, and have been countenanced by the laws with a view to revenue, and to the restraint of licentiousness. The *principle* was the same as that which we are now examining. Yet *such* a law would now excite the abhorrence of the civilized world. The proposition to established such a law in this State, would rouse every Pennsylvanian with indignation. Yet we are unable to see the difference in the *principle* in the two cases; or any argument which can be urged for the one which may not be urged for the other; nor can we see that any statement of objections can be made against the one which cannot be made against the other. Both contemplate the raising of a revenue; both contemplate the restraint of a great and acknowledge evil; both propose to put the direction of the different subjects into hands that may be worthy the confidence of the State; and both *lend* to the business the patronage of the State, and make it *lawful*.—A second subject of licensure to which we refer is that of gambling-houses.—Laws on this subject have been made not only in Europe, but also in New Orleans, and perhaps in other places in our country. And the

same *principle* against which we are arguing has led to such licenses. The idea of raising a revenue, and of restraining an evil, which if unrestrained, was felt to be too great for the State to bear, led to the laws on the subject. But a proposition to grant such licenses, if made in the Convention which we address, we doubt not, would be regarded as insult, and be treated with indignation. And we are certain that the good people of this commonwealth would frown on such a proposal with decisive abhorrence. But we are unable to see any vital difference between such a law and that whose repeal we are urging. If it be said that gambling is an acknowledged evil, so we say of the effect of the traffic in ardent spirits. If it be said that it leads to excited passions, and the loss of property, we say the same of the effects of the sale of ardent spirits. If it be said that it leads to desperation, and to suicide, we reply that where it has slain its thousands, the evil of which we speak has slain its ten thousands. If it be said that it reduces to want, and wretchedness, and crimes, we ask him who urges this to look into the alms-houses, and penitentiaries, and abodes of poverty and want in this land, and in this commonwealth, and then to say whether the sale of ardent spirits does not produce similar evils. And much as we should oppose and deplore the licensing by law of gambling-houses, yet we cannot be ignorant that the evils which would result from it would be unworthy of comparison with those which we lament as growing out of the traffic in ardent spirits.—A third subject which has been made the subject of legislation, and of the patronage of the laws, has been Lotteries. The *principle* which led to that, we apprehend, was the same as that which led to the laws for authorizing the sale of ardent spirits. And yet so great were the evils felt every where as resulting from the establishment of Lotteries; such were the consequences in producing indolence, and exciting passions, and public gambling, that those laws have been repealed, and the sale of lottery tickets prohibited. But can any man believe that the evils of the Lottery system are to be *compared* with the evils of intemperance? Can any man suppose that the excited passions, and the indolence, and the pauperism, and crimes resulting from that, were to be compared with the results of the traffic in ardent spirits? And can it be equal and right to prohibit the one, and allow the other?

What we ask on this subject is simply that the state will follow out the principles on which it has acted on these subjects. We ask only that laws shall be enacted in accordance with the advanced and enlightened views of Legislation on which the state has acted in regard to those other subjects. And we most respectfully urge that the same considerations which would authorize the licensing of the sale of ardent spirits—a known and destructive poison, the fruitful source of all our woes—would authorize the licensing of houses of ill-fame and gambling in our cities and towns, and would DEMAND forthwith the repeal of the law which prohibits the sale of Lottery tickets in the State. And if so, the law is a departure from the design of Legislation.

II. We respectfully urge that the law authorizes the sale of a well-

known poison, and the distribution of the well-ascertained cause of most of the woes of this land. For no man in the legislature, in the community, or on the bench of justice, can be ignorant of the effects of this traffic. It has been gauged. The melancholy office of taking an admeasurement of the results of this business has been performed. The testimony of physicians and philanthropists of every class; of those who preside in courts of justice; and of those who plead at the bar, and of the heralds of salvation, has been combined. In the account which has been rendered of this, there is no discordant voice—no jarring note. The physician pronounces it to be, without qualification, *poison*—poison as certain, and as deadly, and as active as the most virulent destroyer of human life and health that can be applied to the system. He points to a thousand beds of sickness, to a thousand loathsome frames—wrecks of men—moving masses of putrefaction—to ten thousand graves, in proof that it is *poison*. Public sentiment pronounces it to be poison; and public sentiment is reversing its decisions in regard to thousands of those who have died. Multitudes have gone down to graves deemed reputable when they died; but public opinion is performing the office of Old Mortality among the tombs, and coolly writing on many a grave-stone, "here he lies—a suicide by active *poison*." The historian will give a different account of this matter from the eulogist of the dead. The philanthropist pronounces it *poison*—and points in proof to the hospitals and alms-houses all over the land, and declares that one-half of the maniacs, and nine-tenths of the paupers, are made by this poison. The judge on the bench, and the advocate at the bar, unite in the melancholy representation, and declare that more than three-fourths of the crimes committed are to be traced to this. And thousands of fathers, and mothers, and sisters, and wives, with streaming eyes, and bleeding hearts, point to the ruined son, or brother, or husband, and proclaim on the hills and along the vales of the land in the bitterness of grief, "this poison has destroyed our hopes; annihilated our prospects of happiness; clothed us with sackcloth; and is bringing us down weeping to the grave." And the herald of salvation joins in the lamentation, and mingles his tears with those of the parent, and the broken-hearted wife, for the poison is ushering men's bodies to the loathsomeness of the drunkard's grave, and their souls to the deeper sorrows of eternal death. And thus one united voice comes up throughout the land, and universal lamentation is heard, and from the bar, the bench, the pulpit, the rich man's palace, and the poor man's cottage, from the bed of sickness, and from the tombs of the dead, one universal cry is heard that this is *poison*—ruinous to the morals, the health, the lives and the souls of men.

And what do the legislatures of the land do in the meantime? The universal cry falls unheeded on the ear. They stand aloof. And in the halls of legislation they proclaim that the poison *may be sold still—may be sold every where—may be sold for a paltry price paid to the state!* They meet the universal voice of wailing and complaint, and say to thousands, "engage for a price in this traffic! Pay a

paltry sum into the treasury; and then darken all the sky with the exhalations of the distillery, and open a fountain of poison in every village and hamlet; on all the wharves of your cities, and in all your splendid streets, and in every miserable lane and alley." And it stands in our law books that it may be, and *shall* be done. And our ministers of law—men on the bench appointed to prevent crime, and to promote universal justice, are directed to express the sanction of the state to the business, and to defile the purity of their ermine, by stationing these fountains of poison at every corner of the streets. And what would be said of this in any other case? Could men be made to love the poisonous hemlock, and should the designing and avaricious ask the patronage of the state to distribute it, would it be granted? Could men use arsenic daily, and constantly, would the legislature grant the universal indulgence, and appoint its ministers of justice to locate the position of its diffusion? Could men import and distribute the plague, and leprosy, and consumptions, would the state feel at liberty to derive a revenue from it?—And what *is* the sum which is received for the distribution of this poison? To show this we beg leave to refer to the facts in regard to the metropolis of the state—to Philadelphia. For *seven thousand dollars* a year paid into the treasury, the mischief may be done by law! And what *is* the mischief which may be accomplished for this? What is the cost of our prosecutions in our courts that grow out of this vice? What is the cost of our granite prisons, reared to accommodate the guilty wretches, made such by this business? What is the cost of that splendid building that rises on the banks of the Schuylkill to meet the first rays of the morning sun—shining with the magnificence of an oriental palace, as an accommodation for the poor—the poor, nine-tenths of whom are made such by this traffic—emphatically, perhaps it may be spoken without offence—*the drunkard's home*. The drunkard's home reared at an expense of a million of dollars! What is the value of all the tears, and poverty, and wretchedness that this vice introduces into the habitations in this city? What is the compensation that is to be paid for human bodies stricken with curses, and consigned to the grave; and for the human soul, lost for ever by intemperance? We would go and gauge these evils, estimate these woes, and then ask whether the contemptible sum which arises as a revenue, is a compensation.

In view of these facts, we respectfully ask whether it is *right* to authorize, by the whole authority of the state, this traffic in the souls, and the bodies, and the happiness of men?

III. We respectfully urge as a third consideration against the principle of the law in question, that the state becomes the PATRON of all the consequences which legitimately and fairly flow from the business which it thus authorizes. The lawgivers of the land, have as full opportunity to judge of the effects of placing taverns and dram-shops every where, as any other part of the community—for this thing is not done in a corner. And the effect *is* known. The law complains of vice, and ordains punishments for crime. It professes to be un-

friendly to intemperance in a special manner—and has ordained sundry wise provisions in order to prevent it. And yet knowing this, and amidst all these precautions, still a solemn enactment goes forth that the poison may be distributed; and that for a paltry consideration, the whole authority of the State may be pledged in its favour. The very *fact* of the licensure supposes that there is some hidden, or open evil apprehended from it—for the State does not grant a license to a man to till his farm, or to build a house, or to make a bureau, or a carriage. Now look at this law in another respect, and see how completely it makes the State the patron of intemperance. What is the design of the license? What but to express the entire sanction and patronage of the laws to the business? It is the very end and design of the act. When a man makes a book, the law becomes its protector, and pledges its protection to the author. When a man invents a useful machine, the law becomes the protector of his right. The whole authority and power of the government is pledged to the man to defend him, to secure to him the undivided profits of the invention. In like manner the State becomes the patron of the dram-seller. For money paid into the treasury, the State pledges its protection in this business. All the forces of the commonwealth would be called forth to defend the retailer in his purchased rights—to distribute poison as a monopoly. Let his neighbour open a fountain without such a sanction, and the law of the land frowns upon him, condemns him, fines him —for the State is the sole patron of the licensed man—and *his* right to make paupers and fiends the State will defend at all hazards.

On the other hand, see how entirely the State lends its peculiar sanction to this business. The law sternly, and inexorably refuses to become the patron of a race course, of a lottery office, of a slave dealer, of a gambling room, of a house of infamy. It frowns on such houses, and such an employment every where. They are denounced, and amerced, and anathematized throughout the law books. But not so with the retailing of poison. Not so with a business known to make paupers and fiends. Not so with that business which fills alms-houses and jails, and cells of despair. The law is its kind indulgent patron. Kings become its nursing fathers, and queens its nursing mothers.

Now look at the operation of the law under this idea of the *protective policy* of intemperance. One effect is, that the men who are thus licensed *will sell all that they can.* They have paid for the privilege, and their *interest* demands that they should distribute the source of poverty and wo as far as possible. The extensive traffic is demanded by the money which they have paid as a compensation. And it matters not to whom it is sold. The essential idea is, that the law has authorized the sale, and alike to the stranger and the traveller; to the young men and the old; to the son and the father, the poison will be sold. Another effect is, that it destroys completely the proper sense of moral obligation. What hold have we on most men's consciences when they have the sanction of the law of the land to such

a course of life? Many men have just so much conscience as to be satisfied if they meet the demands of the law of the land. If a thing is *legal* they deem it right; and especially if the *legality* is expressed in a case where their *interest* is concerned. No matter how much mischief is done—no matter how many are made wretched, they are pursuing only what the law allows. They are authorized by the country to do it; and in vain may you thunder in their ears the demands of conscience, in vain appeal to their compassion in behalf of the wretched wife and family of the drunkard, the only reply which you shall hear, is the cold-blooded observation, "I have the authority of the law in this business, *I have paid for it*, AND THIS BUSINESS I WILL DO."

Suppose the proprietor of the Menagerie in Philadelphia should apply to the legislature for leave to suffer his lions, and bears, and tigers to range for a single day the streets of this city at large. Suppose that a compensation of 100,000 dollars should be offered for this privilege. The cheeks of every legislator would burn with indignation at the proposal. But why? True, it might be said, that half a dozen lives of the citizens might pay the forfeit. But the legislature would say, that all men would regard this as a violation of the purposes of legislation, and hold us guilty of the crime of murder. The page which should record the law, would be the blackest in the nation's history, and the eyes of all men would be turned with horror on the legislature of this commonwealth.—But why this honest burst of indignation? Why this excessive alarm? Might not the honest applicant appeal to the consistency of the legislature? "Is it then untrue," he might say "that for a compensation of 7000 dollars, you are willing that more than a thousand men and *women* should be authorized to sell poison in this single city? Is it untrue that the laws authorize already a business which endangers the lives of not only half a dozen men, but which renders it morally certain that hundreds will be bereft of reason, stripped of property, made a curse, be supported at the public expense, and then sink to the grave—cursed and ruined, and killed under the patronage of the State? And where is the mighty evil of indulging for a single day in a spectacle which may or may not result in the death of a few, when this business, under the patronage of the law goes on from day to day, and from year to year crowding your alms-houses, and your hospitals, and your prisons, and your grave yards, with the raving, the dying and the dead."

If these consequences are favourable to public morals, industry, intelligence, and integrity, then these results should be traced to the intelligent patronage of the laws, and the laws should have praise of the same. If the consequences are poverty, and crime, and tears, and wretchedness, then so far as these are the regular result of the operation of the laws, the State becomes responsible for them.

IV. We beg leave to observe that this law is an anomaly. It stands alone in legislation. There is no principle in the laws of the state or nation that justifies this. There is nothing by which it can be vindicated. In all other cases, the law frowns on vice in all

forms. Turn over your statute book, and there is not a page, or a line, that justifies the principle on which this law is enacted. The law elsewhere is the friend of morals, and is the protector of morals. The law lifts its voice against slavery, against lotteries, against piracy, against treason, against gambling. The stern morality of the law no where else holds a parley with vice. The law refuses to breathe the air of pollution; it levels all its authority against fraud, falsehood, and crime. The law is the patron of justice, and the defender of right. Every step that is taken in the administration of justice is to protect the innocent, to promote public morals, to patronise virtue and education. Nay, the very crimes that as inevitably flow from the sale of this poison as a polluted stream from a corrupted fountain, are the objects of the implacable abhorrence and execration of the law. For the law denounces profaneness. And yet every place where this poison is sold is a centre of profaneness. The law denounces Sabbath-breaking; and yet this business is the patron of Sabbath-breaking; and these houses are the resort of the violators of that day, and the tempters to our sons and apprentices to disregard it. The law is the patron of the rights and virtues of apprentices and clerks, and yet these are the very places where they are corrupted. The law denounces fraud and a violation of contracts, and yet this is the very business that fits men to be the dupes of the fraudulent, and that disqualifies men to pay their debts. The law is the patron of industry, and yet that is the very source of idleness. The law denounces theft, and arson, and murder; and yet nine-tenths of the inmates of all our prisons from Maine to Georgia, are filled by men who have entered there under the patronage of the state; and nine-tenths of the men who are suspended on the gallows are brought there in the use of that whose sale is patronized by the laws, and for which a miserable compensation has been paid by men of reputation, of profligacy, or of piety. The law is an anomaly. It stands by itself. And if it be right to oppose these crimes and woes, it is right to lift the voice against this statute, and to ask that the state will not become the patron of them.

At this stage of our argument we may look for a moment at the undeniable effects of intemperance in the city of Philadelphia during a single year—and in this melancholy and startling detail, let it be remembered that this has occurred under the patronage of the law of the state, authorizing the sale of that which has indubitably, and inevitably conducted to this result. Look at this mournful array of facts. The bill of mortality during the year 1833, in the city and liberties of Philadelphia, says, that eighteen died of intemperance; and one hundred and twenty-three of mania-a-potu—*one hundred and forty-one immortal beings* hurried into eternity from this fair and beautiful, and much blessed city in a single year by intemperance! What pen can describe all the sorrows they have experienced in their sad journey to the long home of men! What tongue can tell the woes they have caused in the family circle? Who can recount the sighs of mothers, and wives, and sisters over their descent to the

tomb? Who can draw aside the veil that conceals their present condition, and reveal what they are now? But this is not all. To this number who can tell how many ought to be added of the fifty-five cases of apoplexy; of the twenty-one deaths by casualty; how many of the one hundred and seventy of dropsy in the head; how many of the two hundred and sixty-six cases of convulsions; how many of the fifty-five drowned; and how many of the six hundred and fifty of consumption? Perhaps a just estimate would tell us that at least one-fourth of these deaths were caused directly or indirectly, by intemperance. But, suppose that but one-sixth of them could be traced in this cause, and these added to the one hundred and forty-one victims of known and acknowledged intemperance, present us with the appalling fact, that three hundred and forty-one immortal beings have been hurried to the grave by this poison in a single year. How many died by the yellow fever in '93? And yet the whole land was alarmed, and sympathised with the calamities of Philadelphia? How many died by the cholera—feared and fearful plague, in '32? And yet the whole city trembled, and the note of preparation to meet the dreaded stranger was heard every where, and our churches were thronged to implore Almighty God to avert the calamity, and every man set his house in order as if to die, and in trembling we waited its approach to tread with silent footsteps through our streets. But here we walk amid the dying and the dead by a more fearful plague, and no man is alarmed. Our fellow-citizens go down to a death from day to day infinitely more loathsome than by the cholera, and no man is concerned. Christians cease to pray, and philanthropists cease to feel. Nay, we become patrons of the evil. Our laws are its patrons. Our men of respectability, and piety, and wealth, are its patrons. And death slays its hundreds annually, and—who cares for it? And it is done under the authority of the state, and the protection of the laws of the land—and who is concerned? We ask, are these righteous laws? Are they the laws which befit the virtuous republics of America? Are they the laws which become the state, and the city of William Penn? The number slain by this fell destroyer surpasses—far surpasses all that are destroyed in steamboat disasters; all that perish in storms from our ships on the ocean; all that fall victims to the pestilence in the most fearful form in which it has ever travelled through the land; all that fall in battle when war "lifts her grim-visaged front," and walks through the nations. And yet we patronize it, and derive a revenue from the sale of crime, and death! Oh, let this page be blotted from our country's history!

We have selected the year 1833, simply because the bills of mortality of that year happened to be before us. We would add here only, that the statistics of that year were not more alarming than in any other year which might have been selected. We have selected Philadelphia, also, simply because the statistics there were accessible. We have no reason to suppose that the evils of intemperance are more decidedly felt there, than in other cities and towns of the State; and if so, the amount of evil which is annually caused by this traffic is im-

mense. We are persuaded that if the laws authorized any other employment, and expressly taxed it for the purpose of raising a revenue, that was attended with one fourth part of the evil that attends this, the inhabitants of the State would rise in a body and forthwith demand its repeal. And we are persuaded also, that in such a case, the commonwealth would not speak to a Legislature, or to a Convention to remodel the Constitution, in vain.

V. We repectfully ask, that the laws on this subject may undergo an entire change, because we regard it as against all proper views of *patronage* by the laws. We mean that there is nothing in this business that gives it a claim to the rights of *monopoly* or of *peculiar patronage*. It is not, in our apprehension, an employment of which the State should become the *peculiar* patron, and which it should confide to favored individuals. We do not deny that there may be some special privileges granted to particular classes or companies of citizens; nor that individuals may, and should, on certain occasions, receive special license and indulgence from the State. But we can see nothing in the business of retailing ardent spirits, that should give it a claim to a monopoly, or to any peculiar prerogative. We do not perceive that the man who is engaged in this business has any special claim to approach a legislature and ask the *peculiar* protection of the laws; or to ask that the government should make *him* the special and *favored* subject of legislation.

The cases in which such special favors may be asked and obtained, we suppose are generally understood to be the following:

1. When individual enterprize may be insufficient to accomplish an object of public utility, at the same time that it may contribute to individual advantage. In the instance of Banking operations; or of the construction of canals or rail-roads, or bridges; or in mining operations; or in commerce and navigation, we suppose it is not improper that the laws should sometimes grant special protection amounting to a monopoly. The reasons are obvious, and universally understood. The object is laudable. It will not interfere with, but will advance the public welfare, and will promote the interests of the individuals. As individual wealth and enterprize may not be sufficient to accomplish it, it is not improper that the State should become so far the patron of it as to grant an incorporating act.

But assuredly the business of retailing ardent spirits cannot come under this denomination of objects that demand public patronage. It is not such an object of public *utility* as to demand the patronage of the State. It is not put beyond the power of individual enterprize, and capital. It is not true that A, B, and C, who *are* licensed, and who enjoy a *monopoly*, have any facilities for the business. It is not an employment which will contribute in any way to the productive capital of the State; nor is it connected with public happiness and virtue.

2. Exclusive rights are granted, and exclusive privileges are conferred, in cases where particular *talent* is evinced, or special skill and

industry; in cases where a man is the author of a map, chart, book, or useful invention. It is deemed right that a man should be protected in the avails of his honest labor, or in the exhibition of unusual talent in devising means for abridging labor, or for enlightening the public mind. His invention or his book becomes his *property;* and like all property it is protected by the State.

But assuredly the tavern keeper has no claim to a monopoly on this ground. He has invented nothing in the line of his business; he has evinced no uncommon talent; he has done nothing to abridge labor, or to multiply the facilities for mechanics or agriculture; and nothing to enlighten the public mind. The skill required in his calling does not assuredly place him above his fellow citizens; nor has he *usually* such an elevation of talent, or moral worth, or such a conspicuity of character, as to lay the foundation for the peculiar protection of the laws. And as he has contributed *nothing* to the public virtue, intelligence or happiness; as his business does not tend to abridge the necessity of toil—or to *abridge* it in any way except to make men indolent, and vicious, and worthless—as he has *devised* nothing that shall tend to enlighten the public mind, it cannot be pretended that he has any claim to a *peculiar* protection of the laws, to a *monopoly*, on this account.

If it be asked, then, why the tavern keeper, the retailer of poison, is singled out and made the object of special legislative protection; why he is distinguished from the farmer, and the blacksmith, and the shoemaker, and the carpenter, and the weaver, and the jeweller, and the miller, we are at a loss for an answer. We see nothing in his talent, his skill, his intelligence or moral worth, that should give him this prerogative. We see nothing in his business—in its influence on morals and intelligence of the community, nothing in his own intelligence or moral worth above that of the farmer or mechanic, that should make him have the special subject of legislative solicitude and of legislative patronage. Nor do we see any thing in his business that should entitle him to the power of applying especially to the framers of the laws, and to ask that *he* may be favored with a monopoly. And while we see the farmer and the mechanic laboring honestly and contentedly in their respective callings *without* applying for a monopoly, or a special license; while we see them happy and successful in their business, while they regard their employment as equally open to all; and while the State does not deem it necessary to interpose and to grant a special license and monopoly in cultivating the soil and in the mechanic arts; we are constrained to ask WHY the tavern keeper should claim or receive such an elevation of privilege above his fellow citizens. Other men who are engaged in a virtuous and honorable occupation need no license, and ask none. And other men who are engaged in a work that tends to vice and infamy, *dare* not ask the protection of the laws; or if they *do* ask it, the laws spurn them away in indignation. And the whole of the argument on this subject may perhaps be concentrated in one single sentence. IF THE BUSINESS IS GOOD, IT NEEDS NO LICENSE—IF IT IS BAD IT SHOULD RECEIVE NONE. If it is good in its

tendency, and worthy of patronage, it should be left where the business of the mechanic arts and agriculture is, open equally to all, without any particular patronage of the laws. If it is evil, like that of gambling, and the Lottery system, and licentiousness, then the State should in no sense become its patron. For it is self-evident that a government should not become the protector and the patron of evil FOR A PRICE.

VI. We add one other consideration. It is a business which is a violation of the laws of the social economy; and, therefore, should not receive the protection of the laws. We mean that its very nature, and in all its forms, it is, and must be a violation of the wholesome principle on which society is organized and sustained. To illustrate this, we beg leave to ask the attention of the convention to the great principle on which human society is based, and preserved. It is this. *That in an honest and proper employment, while a man is supporting himself and family and advancing his own interest, he is not injuring but is promoting the welfare of every one with whom he is connected, or who may be affected by his business.* On this simple principle, which is to the social system, what the laws of gravitation are to the physical system of the universe, society is based, and by this its interests are sustained. And as we believe that the business to which we refer is always and inevitably a violation of this principle, we ask that the laws on this subject may be repealed. A few simple illustrations on this subject will make this principle more manifest.

When a man selects a calling for life, and determines on becoming a farmer, his main and leading motive may be to furnish a competent and honorable livelihood for himself and his family. This object he accomplishes. By industry, and frugality, and virtue, he obtains from the earth that which he sought. But in the mean time, though his main and leading purpose is to support himself and his family, he injures no one. The utmost diligence in his calling; his highest skill in agriculture, nay, all the improvements which he can make in his business, will injure no one. Neither the professional man nor the mechanic will be injured in their interests, by all the diligence of the husbandman—and by all the zeal and success with which he may prosecute his calling. On the contrary, all classes of citizens will be benefitted by his industry; and all other classes are dependent on him. His employment; his skill; his dilligence, all tend to advance the comfort of the mechanic and professional man—for on him they are dependant for sustenance. *Does this simple principle reign in the Licensed Tavern?*

When a mechanic selects his calling, it is probable that he is influenced by the same motive as the farmer—an honest support for himself and family. But in his calling does he injure any one? Is his business of necessity the source of injury, in any form, to his fellow men? Does he, while his main object is a support, interfere with, and injure the person or the family of the farmer or the professional man? The answer is obvious. On the simple principle to which we have above adverted, he is a benefit to them all. For his calling is a saving of labor, and a promotion of the comfort of all others. A single consideration will show this. It is doubtless the truth, that every farmer might, in a way, have made his own shoes, and axes, and hoes; might have man-

ufactured his own ploughs, and harness, and waggons; might have shod his own horses; and built his own houses, and made his own furniture; but it was obviously better that these several things should, on the principle of a division of labor, be committed to different hands, who might give to them undivided attention and skill. The farmer's own interest is really better promoted by employing a carpenter and a shoemaker, than it would be by attempting to build his house, or to make his shoes himself, because he can earn more on his farm, during the time that *he* would be employed in this than will suffice to pay the mechanic. The labors of the mechanic, therefore, at the same time that he provides in an honest calling for himself and family, are a real *saving* and a *benefit* to the farmer. *Is it so in the business of selling ardent spirits.*

The same principle applies in the traffic between mechanics. The labors of the blacksmith are an advantage to the shoemaker, because the shoemaker can, at his proper business, earn more than enough to pay the blacksmith for what he does. It is more *profitable* for him to be engaged in his separate calling, and to employ the blacksmith to shoe his horse, than it would be for him to be at the expense of fitting up a blacksmith shop, and incur the loss of time, and material in his imperfect attempts to do the work of the blacksmith. And so the blacksmith, and the shoemaker, and the carpenter, and the cabinet maker, and the tin-man, and the printer, and the butcher, and the baker, are all mutual helps, and aids. And while the main business of each one is to support himself and family, yet no one injures his neighbor, no one is the occasion of the loss of time, or money, or credit, or character, or virtue—but *all* these are mutually promoted. What relation does the retailer of ardent spirits bear to this? Does his business *fit in* as a part of this system, and promote the harmony of the whole? Or does it tend to disarrange, and send a blight and a curse over all?

The same principle applies also in regard to the merchant—a man deemed by the great mass of the community to be useless and a burden. And yet his business is, likewise, a saving of time and expense, and an advantage to all. *His* main motive in entering it may have been like that of the mechanic and the farmer to secure a support for himself and his family. But in doing this, as in the cases before referred to, he is an advantage and a saving to all. The *principle* of his calling is this. The farmers, for illustration, in Lancaster county, raise more grain than they need for the consumption of their families. They wish to dispose of it. And they wish in return for it the surplus production of other places and other countries. In the meantime, more tea is produced in China than is needed there; more coffee in Java; more sugar in the West Indies; more silks in France; more cloths, and cutlery in England. What is needful for mutual accommodation is, that there should be *an exchange* of the grain for the articles which are needed. But how shall the exchange be effected? Shall the farmers unite, and leave their farms, and go to the port, and build a ship, and carry their own wheat across the ocean, and traffic around the world? How much more simple to commit it to a man *whose business it is*, and who understands it, and to entrust the sale to him, and to receive

from him the foreign commodity. That man is the merchant. The slight advance in the price of the grain which he *gets* above what he *gave*; or, the slight advance in the price of the imported article, is *his reward*, and his living. And can any man doubt that it is better for the farmer to pay this, than to leave his farm, and attempt with his neighbours to carry it to a foreign market? There is, therefore, a mutual benefit. There is an advantage in his business to the farmer, and to the foreigner, and to himself. And if his business were to cease, the traffic of the world would cease with it; and the whole of society stand still. But is there any such advantage derived from the retailer of poison, who benefits nobody, and who is simply the connecting link between the manufacture of *poison* and the perdition of the souls and bodies of men; and whose whole business is a violation of the simple principle on which the healthy operations of society move on? Why then is he entitled to the peculiar protection and patronage of the State? The same principle, also, is applicable to the professional man. It is doubtless true that every man *might* practise medicine in his own family, and be his own physician; that every man *might* manage his own causes in courts of justice; and that every man *might* be the teacher of his own children. But it is obviously better to employ those who are regularly bred and nurtured in those employments; and that the professions of medicine, law, and instruction, are an advantage to the community. While the *motive* with which these professions are entered may be that of securing a livelihood, or a reputation, yet it is certain that the professional man *injures* no one, but *benefits* all who employ him.

On this simple principle society is constructed. And there is not, and cannot be, an honest and honourable calling which is not consistent with this principle. The Great Governor of the Universe, who has constituted society, has so ordered it that *any* profession that shall meet his will shall be at the same time the source of happiness and a livelihood to him who follows it, and shall, in the mutual dependencies and relations of the great system, shed blessings on all that may be connected with it. And we do not know a more simple principle to apply to a calling in life than this. When an occupation, though it may be profitable to him that pursues it, is, nevertheless, the source of evil, and only evil, and that continually, it is a simple test which in our view determines that it should not be entered by a virtuous man, and still more that it should not be peculiarly patronized by the laws. A simple illustration of this would be a reference to the *Slave trade*. It may be engaged in for the purpose of a livelihood. But the simple fact that it *cannot* be pursued without *always* doing evil has branded it as wrong in the sight of all civilized nations.

On the same account we are opposed to the license law; and for the same reason we ask that it may be repealed, and forever excluded from the statute books of this commonwealth. The reason which we now urge can be stated in few words. The man who engages in the traffic in ardent spirits may, and we doubt not does engage in it, like the farmer, the mechanic, and the professional man, for the purpose of a support for himself and his family. Nor do we impugn his

motives ; nor denounce him as a bad man. *But the first step which he takes in his business, and every subsequent step, in short the whole business is a direct violation of the principle of the social economy to which we have adverted.* It is always so. It cannot be otherwise. The more and the further he drives it, the more he interferes with this principle. The more he sells, the more he injures his neighbour. Instead of promoting his benefit, as the farmer and the mechanic do, he stands alone in the community as a man whose business *always* infringes on this principle ; always takes away the property of others for that which is to them no valuable consideration ; always tends to produce idleness, poverty, crimes, curses, and tears. This is the only business that is tolerated in a civilized and christian community whose known and certainly anticipated effect is, to multiply crimes, and wretchedness, and despair. And this is the certain and inevitable effect. It does good to no one ; it injures all. It promotes the health of no one ; it administers a poison to all. It adds to no man's wealth ; it extracts from the wealth of all. It promotes intelligence in no one ; it perpetuates ignorance in all. It advances the interests of good morals in no one ; it multiplies and extends immorality among all. It diffuses comfort in no family, but wretchedness in all. It empties no prison, or alms-house of their tenants, but it is the occasion of filling all. It promotes order no where, but disorder every where. And yet this business, which is such a violation of the correct social principle, is patronized by the laws of Pennsylvania ! Nay, it is not only patronized, it is almost the ONLY employment which is peculiarly patronized ! The farmer, and the blacksmith, and the cooper, and the carpenter, are content to pursue their business without any special privilege, or monopoly from the State ; the tavern, the tippling-shop, the oyster cellar, become the *protegés* of the State ; and the tavern keeper, and the dram-seller and the dram-drinker, are under the special protection of the laws of the land ! Such a system we do not believe to be just, and in accordance with the spirit of our laws.

We might urge many other considerations ; and we might advert particularly to the fact that the person who is thus patronized by the laws—the tavern keeper is himself in danger of ruin. Unless our estimate of the effects of this business has been erroneous, we apprehend it will be found to be true that more than one-half of the tavern keepers of the land die drunkards, and in cases where this does not occur, more than half of the *families* of inn-keepers are themselves intemperate, and reduced to wretchedness and want.

In whatever light we contemplate this business, we see only evil. Of course, we are not opposed to houses that shall be opened for the accommodation of the weary traveller ; nor would we hesitate to exert all our influence that they should be such as will promote in every way the real comfort of the traveller. They should be such, we apprehend, *as a man would desire his own home to be ;* and as we believe the most of our fellow-citizens do not desire that their own homes should be places where ardent spirit is accessible by the members of their families ; and especially that they should be places of noise and disorder, so we apprehend that they desire to find the same freedom from the in-

toxicating bowl, and the same order, in the houses which are kept for public entertainment. And we hold it to be too plain to need any attempt at demonstration, that the substantial advantages of all public houses, and the real comfort of the traveller would be promoted if in those houses ardent spirits were unknown.

With these views, we have discharged a duty which we owe to ourselves, our families, the society in whose name we act, and the community at large, in presenting this our memorial. We urge our memorial because we believe that the public virtue requires the course which we desire the convention to pursue. We plead not only the cause of temperance, but the cause of industry, and order, and peace, and domestic felicity. We plead the cause of virtue; and we speak in the name of liberty—that liberty which we desire to transmit untarnished to our children. We plead in behalf of the virtue, the happiness, the bodies, and the health, and the souls of men. We believe that every virtue clusters around the temperance reformation; and as we owe a duty to our country and to God—a duty which we deem this a most fit occasion to discharge—we have ventured to appear before your honourable body, and speak the feelings of our hearts. And in the discharge of this duty, and urged by the considerations which we have suggested, *we earnestly solicit this convention to incorporate it into the Constitution of Pennsylvania, that hereafter* THE PATRONAGE OF THE STATE SHALL NEVER BE GIVEN FOR THE PURPOSE OF A REVENUE, OR FOR ANY OTHER PURPOSE, TO THE TRAFFIC IN ARDENT SPIRITS—THAT IT SHALL NOT BE LAWFUL IN THIS COMMONWEALTH FOR PUBLIC HOUSES TO DISTRIBUTE THAT DESTRUCTIVE POISON.